

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1398

United States of America,

Appellee,

v.

Joshua R. Clifton,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: October 13, 2008

Filed: March 24, 2009

Before COLLOTON, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Joshua Ryan Clifton pled guilty to being a felon in possession of ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The district court applied a “crime of violence” sentencing enhancement due to a prior Missouri conviction for auto tampering, and imposed a 120-month sentence, the statutory maximum. Clifton appeals, arguing that auto tampering does not qualify as a crime of violence under U.S.S.G. § 4B1.2. In *United States v. Williams*, 537 F.3d 969 (8th Cir. 2008), this court held that auto tampering is not a crime of violence. Accordingly, this court vacates the sentence, and remands for resentencing.
